

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LAURA LOOMER,

Civil No. 0:19-cv-02322-DSD-TNL

Plaintiff,

v.

**DEFENDANT’S RESPONSE TO
PLAINTIFF’S MOTION FOR ENTRY
OF DEFAULT**

RASHIDA HARBI TLAIB,

Defendant.

Defendant Rashida Tlaib (“Congresswoman Tlaib” or “Defendant”)¹, by and through her counsel, Lockridge Grindal Nauen P.L.L.P., respectfully submits this Response to Plaintiff’s Motion for Entry of Default, and requests the Court deny Plaintiff’s motion in its entirety. A Proposed Order is filed herewith.

On September 11, 2019, Congresswoman Tlaib was served with Plaintiff’s Complaint at her place of work, the Longworth House Office Building, in Washington, D.C.² Within the 21 day period to respond to the Complaint, as required by Federal Rule of Civil Procedure 12, and in accordance with Judge Doty’s Order Regarding Dispositive Motion Procedure (Dkt. 3), Defendant contacted the Court to schedule a hearing on Defendant’s Motion to Dismiss the Complaint. *See* Dkt. 3 at ¶ 1. The hearing is scheduled for December 12, 2019. Defendant promptly filed a Motion to Dismiss (Dkt. 7) and a

¹ Plaintiff’s Motion for Default Judgment refers to “Defendants” in the caption and at one point mentions “Joel Tlaib.” Motion at ¶ 3. Defendant assumes this is an error, as no Amended Complaint has been received or filed adding a “Joel Tlaib” as a Defendant in this matter.

² Contrary to Plaintiff’s Representations in its Motion for Default, no Certificate of Service has been received by Defendant nor has one been filed with the Court.

Notice of Hearing (Dkt. 8) on October 1, 2019. Pursuant to Judge Doty's Order, Defendant's Brief in Support of Its Motion to Dismiss is due on October 31, 2019; 42 days before the hearing on the Motion to Dismiss. *See* Dkt. 3 at ¶ 2.

Defendant's Counsel received Plaintiff's Motion for Default on October 15, 2019.³ The Motion argues that because Defendant has not yet filed a memorandum of law in support of its Motion to Dismiss, that Defendant has defaulted. This assertion is wholly without merit, because Defendant has fully complied with the Federal Rules of Civil Procedure and the Minnesota Local Rules, as modified by Judge Doty's Order Regarding Dispositive Motion Practice. Accordingly, Defendant respectfully requests the Court deny Plaintiff's Motion without further proceedings.

Dated: October 17, 2019

Respectfully submitted,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

s/Charles N. Nauen

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**ATTORNEYS FOR DEFENDANT
RASHIDA TLAIB**

³ Defendant notes that the Motion is signed "Laura Loomer/LK," indicating that Ms. Loomer's "Of-Counsel," Larry Klayman, signed the Motion on her behalf. If Ms. Loomer is representing herself in this case, she must *personally* sign pleadings pursuant to Federal Rule of Civil Procedure 11(a). Mr. Klayman has not filed for admission *pro hac vice* in this case and, therefore, is not authorized to practice before this Court pursuant to Minnesota Local Rule 83.5.